

AN ACT

relating to investigations of child abuse, neglect, or exploitation and to child protective services functions of the Department of Family and Protective Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 71.004, Family Code, is amended to read as follows:

Sec. 71.004. FAMILY VIOLENCE. "Family violence" means:

(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;

(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), (G), (H), (I), (J), ~~[and]~~ (K), and (M), by a member of a family or household toward a child of the family or household; or

(3) dating violence, as that term is defined by Section 71.0021.

SECTION 2. Section 261.001, Family Code, is amended by amending Subdivisions (1), (4), and (5) and adding Subdivision (3) to read as follows:

(1) "Abuse" includes the following acts or omissions

1 by a person:

2 (A) mental or emotional injury to a child that  
3 results in an observable and material impairment in the child's  
4 growth, development, or psychological functioning;

5 (B) causing or permitting the child to be in a  
6 situation in which the child sustains a mental or emotional injury  
7 that results in an observable and material impairment in the  
8 child's growth, development, or psychological functioning;

9 (C) physical injury that results in substantial  
10 harm to the child, or the genuine threat of substantial harm from  
11 physical injury to the child, including an injury that is at  
12 variance with the history or explanation given and excluding an  
13 accident or reasonable discipline by a parent, guardian, or  
14 managing or possessory conservator that does not expose the child  
15 to a substantial risk of harm;

16 (D) failure to make a reasonable effort to  
17 prevent an action by another person that results in physical injury  
18 that results in substantial harm to the child;

19 (E) sexual conduct harmful to a child's mental,  
20 emotional, or physical welfare, including conduct that constitutes  
21 the offense of continuous sexual abuse of young child or children  
22 under Section [21.02](#), Penal Code, indecency with a child under  
23 Section [21.11](#), Penal Code, sexual assault under Section [22.011](#),  
24 Penal Code, or aggravated sexual assault under Section [22.021](#),  
25 Penal Code;

26 (F) failure to make a reasonable effort to  
27 prevent sexual conduct harmful to a child;

1 (G) compelling or encouraging the child to engage  
2 in sexual conduct as defined by Section 43.01, Penal Code,  
3 including compelling or encouraging the child in a manner that  
4 constitutes an offense of trafficking of persons under Section  
5 20A.02(a)(7) or (8), Penal Code, prostitution under Section  
6 43.02(b), Penal Code, or compelling prostitution under Section  
7 43.05(a)(2), Penal Code;

8 (H) causing, permitting, encouraging, engaging  
9 in, or allowing the photographing, filming, or depicting of the  
10 child if the person knew or should have known that the resulting  
11 photograph, film, or depiction of the child is obscene as defined by  
12 Section 43.21, Penal Code, or pornographic;

13 (I) the current use by a person of a controlled  
14 substance as defined by Chapter 481, Health and Safety Code, in a  
15 manner or to the extent that the use results in physical, mental, or  
16 emotional injury to a child;

17 (J) causing, expressly permitting, or  
18 encouraging a child to use a controlled substance as defined by  
19 Chapter 481, Health and Safety Code;

20 (K) causing, permitting, encouraging, engaging  
21 in, or allowing a sexual performance by a child as defined by  
22 Section 43.25, Penal Code; [~~or~~]

23 (L) knowingly causing, permitting, encouraging,  
24 engaging in, or allowing a child to be trafficked in a manner  
25 punishable as an offense under Section 20A.02(a)(5), (6), (7), or  
26 (8), Penal Code, or the failure to make a reasonable effort to  
27 prevent a child from being trafficked in a manner punishable as an

1 offense under any of those sections; or

2 (M) forcing or coercing a child to enter into a  
3 marriage.

4 (3) "Exploitation" means the illegal or improper use  
5 of a child or of the resources of a child for monetary or personal  
6 benefit, profit, or gain by an employee, volunteer, or other  
7 individual working under the auspices of a facility or program as  
8 further described by rule or policy.

9 (4) "Neglect":

10 (A) includes:

11 (i) the leaving of a child in a situation  
12 where the child would be exposed to a substantial risk of physical  
13 or mental harm, without arranging for necessary care for the child,  
14 and the demonstration of an intent not to return by a parent,  
15 guardian, or managing or possessory conservator of the child;

16 (ii) the following acts or omissions by a  
17 person:

18 (a) placing a child in or failing to  
19 remove a child from a situation that a reasonable person would  
20 realize requires judgment or actions beyond the child's level of  
21 maturity, physical condition, or mental abilities and that results  
22 in bodily injury or a substantial risk of immediate harm to the  
23 child;

24 (b) failing to seek, obtain, or follow  
25 through with medical care for a child, with the failure resulting in  
26 or presenting a substantial risk of death, disfigurement, or bodily  
27 injury or with the failure resulting in an observable and material

1 impairment to the growth, development, or functioning of the child;

2 (c) the failure to provide a child  
3 with food, clothing, or shelter necessary to sustain the life or  
4 health of the child, excluding failure caused primarily by  
5 financial inability unless relief services had been offered and  
6 refused;

7 (d) placing a child in or failing to  
8 remove the child from a situation in which the child would be  
9 exposed to a substantial risk of sexual conduct harmful to the  
10 child; or

11 (e) placing a child in or failing to  
12 remove the child from a situation in which the child would be  
13 exposed to acts or omissions that constitute abuse under  
14 Subdivision (1)(E), (F), (G), (H), or (K) committed against another  
15 child; ~~[or]~~

16 (iii) the failure by the person responsible  
17 for a child's care, custody, or welfare to permit the child to  
18 return to the child's home without arranging for the necessary care  
19 for the child after the child has been absent from the home for any  
20 reason, including having been in residential placement or having  
21 run away; or

22 (iv) a negligent act or omission by an  
23 employee, volunteer, or other individual working under the auspices  
24 of a facility or program, including failure to comply with an  
25 individual treatment plan, plan of care, or individualized service  
26 plan, that causes or may cause substantial emotional harm or  
27 physical injury to, or the death of, a child served by the facility

1 or program as further described by rule or policy; and

2 (B) does not include the refusal by a person  
3 responsible for a child's care, custody, or welfare to permit the  
4 child to remain in or return to the child's home resulting in the  
5 placement of the child in the conservatorship of the department if:

6 (i) the child has a severe emotional  
7 disturbance;

8 (ii) the person's refusal is based solely on  
9 the person's inability to obtain mental health services necessary  
10 to protect the safety and well-being of the child; and

11 (iii) the person has exhausted all  
12 reasonable means available to the person to obtain the mental  
13 health services described by Subparagraph (ii).

14 (5) "Person responsible for a child's care, custody,  
15 or welfare" means a person who traditionally is responsible for a  
16 child's care, custody, or welfare, including:

17 (A) a parent, guardian, managing or possessory  
18 conservator, or foster parent of the child;

19 (B) a member of the child's family or household  
20 as defined by Chapter 71;

21 (C) a person with whom the child's parent  
22 cohabits;

23 (D) school personnel or a volunteer at the  
24 child's school; ~~or~~

25 (E) personnel or a volunteer at a public or  
26 private child-care facility that provides services for the child or  
27 at a public or private residential institution or facility where

1 the child resides; or

2 (F) an employee, volunteer, or other person  
3 working under the supervision of a licensed or unlicensed  
4 child-care facility, including a family home, residential  
5 child-care facility, employer-based day-care facility, or shelter  
6 day-care facility, as those terms are defined in Chapter 42, Human  
7 Resources Code.

8 SECTION 3. Section 261.101(b), Family Code, is amended to  
9 read as follows:

10 (b) If a professional has cause to believe that a child has  
11 been abused or neglected or may be abused or neglected, or that a  
12 child is a victim of an offense under Section 21.11, Penal Code, and  
13 the professional has cause to believe that the child has been abused  
14 as defined by Section 261.001 [~~or 261.401~~], the professional shall  
15 make a report not later than the 48th hour after the hour the  
16 professional first suspects that the child has been or may be abused  
17 or neglected or is a victim of an offense under Section 21.11, Penal  
18 Code. A professional may not delegate to or rely on another person  
19 to make the report. In this subsection, "professional" means an  
20 individual who is licensed or certified by the state or who is an  
21 employee of a facility licensed, certified, or operated by the  
22 state and who, in the normal course of official duties or duties for  
23 which a license or certification is required, has direct contact  
24 with children. The term includes teachers, nurses, doctors,  
25 day-care employees, employees of a clinic or health care facility  
26 that provides reproductive services, juvenile probation officers,  
27 and juvenile detention or correctional officers.

1 SECTION 4. Sections [261.301](#)(b) and (c), Family Code, are  
2 amended to read as follows:

3 (b) A state agency shall investigate a report that alleges  
4 abuse, ~~[or]~~ neglect, or exploitation occurred in a facility  
5 operated, licensed, certified, or registered by that agency as  
6 provided by Subchapter E. In conducting an investigation for a  
7 facility operated, licensed, certified, registered, or listed by  
8 the department, the department shall perform the investigation as  
9 provided by:

- 10 (1) Subchapter E; and
- 11 (2) the Human Resources Code.

12 (c) The department is not required to investigate a report  
13 that alleges child abuse, ~~[or]~~ neglect, or exploitation by a person  
14 other than a person responsible for a child's care, custody, or  
15 welfare. The appropriate state or local law enforcement agency  
16 shall investigate that report if the agency determines an  
17 investigation should be conducted.

18 SECTION 5. Section [261.401](#)(b), Family Code, is amended to  
19 read as follows:

20 (b) Except as provided by Section [261.404](#) and Section  
21 [531.02013](#)(1)(D), Government Code, a state agency that operates,  
22 licenses, certifies, registers, or lists a facility in which  
23 children are located or provides oversight of a program that serves  
24 children shall make a prompt, thorough investigation of a report  
25 that a child has been or may be abused, neglected, or exploited in  
26 the facility or program. The primary purpose of the investigation  
27 shall be the protection of the child.

1 SECTION 6. Sections 261.405(a) and (c), Family Code, are  
2 amended to read as follows:

3 (a) Notwithstanding Section 261.001, in [In] this section:

4 (1) "Abuse" means an intentional, knowing, or reckless  
5 act or omission by an employee, volunteer, or other individual  
6 working under the auspices of a facility or program that causes or  
7 may cause emotional harm or physical injury to, or the death of, a  
8 child served by the facility or program as further described by rule  
9 or policy.

10 (2) "Exploitation" means the illegal or improper use  
11 of a child or of the resources of a child for monetary or personal  
12 benefit, profit, or gain by an employee, volunteer, or other  
13 individual working under the auspices of a facility or program as  
14 further described by rule or policy.

15 (3) "Juvenile justice facility" means a facility  
16 operated wholly or partly by the juvenile board, by another  
17 governmental unit, or by a private vendor under a contract with the  
18 juvenile board, county, or other governmental unit that serves  
19 juveniles under juvenile court jurisdiction. The term includes:

20 (A) a public or private juvenile  
21 pre-adjudication secure detention facility, including a holdover  
22 facility;

23 (B) a public or private juvenile  
24 post-adjudication secure correctional facility except for a  
25 facility operated solely for children committed to the Texas  
26 Juvenile Justice Department; and

27 (C) a public or private non-secure juvenile

1 post-adjudication residential treatment facility that is not  
2 licensed by the Department of Family and Protective Services or the  
3 Department of State Health Services.

4 (4) [~~(2)~~] "Juvenile justice program" means a program  
5 or department operated wholly or partly by the juvenile board or by  
6 a private vendor under a contract with a juvenile board that serves  
7 juveniles under juvenile court jurisdiction. The term includes:

8 (A) a juvenile justice alternative education  
9 program;

10 (B) a non-residential program that serves  
11 juvenile offenders under the jurisdiction of the juvenile court;  
12 and

13 (C) a juvenile probation department.

14 (5) "Neglect" means a negligent act or omission by an  
15 employee, volunteer, or other individual working under the auspices  
16 of a facility or program, including failure to comply with an  
17 individual treatment plan, plan of care, or individualized service  
18 plan, that causes or may cause substantial emotional harm or  
19 physical injury to, or the death of, a child served by the facility  
20 or program as further described by rule or policy.

21 (c) The Texas Juvenile Justice Department shall make a  
22 prompt, thorough [~~conduct an~~] investigation as provided by this  
23 chapter if that department receives a report of alleged abuse,  
24 neglect, or exploitation in any juvenile justice program or  
25 facility. The primary purpose of the investigation shall be the  
26 protection of the child.

27 SECTION 7. Section [531.02013](#), Government Code, is amended

1 to read as follows:

2           Sec. 531.02013. FUNCTIONS       REMAINING       WITH       CERTAIN  
3 AGENCIES. The following functions are not subject to transfer  
4 under Sections 531.0201 and 531.02011:

5           (1) the functions of the Department of Family and  
6 Protective Services, including the statewide intake of reports and  
7 other information, related to the following:

8                   (A) child protective services, including  
9 services that are required by federal law to be provided by this  
10 state's child welfare agency;

11                   (B) adult protective services, other than  
12 investigations of the alleged abuse, neglect, or exploitation of an  
13 elderly person or person with a disability:

14                           (i) in a facility operated, or in a facility  
15 or by a person licensed, certified, or registered, by a state  
16 agency; or

17                           (ii) by a provider that has contracted to  
18 provide home and community-based services; ~~and~~

19                   (C) prevention and early intervention services;  
20 and

21                   (D) investigations of alleged abuse, neglect, or  
22 exploitation occurring at a child-care facility, as that term is  
23 defined in Section 40.042, Human Resources Code; and

24           (2) the public health functions of the Department of  
25 State Health Services, including health care data collection and  
26 maintenance of the Texas Health Care Information Collection  
27 program.

1 SECTION 8. (a) Subchapter B, Chapter 40, Human Resources  
2 Code, is amended by adding Sections 40.039, 40.040, 40.041, and  
3 40.042 to read as follows:

4 Sec. 40.039. REVIEW OF RECORDS RETENTION POLICY. The  
5 department shall periodically review the department's records  
6 retention policy with respect to case and intake records relating  
7 to department functions. The department shall make changes to the  
8 policy consistent with the records retention schedule submitted  
9 under Section 441.185, Government Code, that are necessary to  
10 improve case prioritization and the routing of cases to the  
11 appropriate division of the department. The department may adopt  
12 rules necessary to implement this section.

13 Sec. 40.040. CASE MANAGEMENT VENDOR QUALITY OVERSIGHT AND  
14 ASSURANCE DIVISION; MONITORING OF CONTRACT ADHERENCE. (a) In this  
15 section, "case management," "catchment area," and "community-based  
16 care" have the meanings assigned by Section 264.151, Family Code.

17 (b) The department shall create within the department the  
18 case management services vendor quality oversight and assurance  
19 division. The division shall:

20 (1) oversee quality and ensure accountability of any  
21 vendor that provides community-based care and full case management  
22 services for the department under community-based care; and

23 (2) monitor the transfer from the department to a  
24 vendor of full case management services for children and families  
25 receiving services from the vendor, including any transfer  
26 occurring under a pilot program.

27 (c) The commission shall contract with an outside vendor

1 with expertise in quality assurance to develop, in coordination  
2 with the department, a contract monitoring system and standards for  
3 the continuous monitoring of the adherence of a vendor providing  
4 foster care services under community-based care to the terms of the  
5 contract entered into by the vendor and the commission. The  
6 standards must include performance benchmarks relating to the  
7 provision of case management services in the catchment area where  
8 the vendor operates.

9 (d) The division shall collect and analyze data comparing  
10 outcomes on performance measures between catchment areas where  
11 community-based care has been implemented and regions where  
12 community-based care has not been implemented.

13 Sec. 40.041. OFFICE OF DATA ANALYTICS. The department  
14 shall create an office of data analytics. The office shall report  
15 to the deputy commissioner and may perform any of the following  
16 functions, as determined by the department:

17 (1) monitor management trends;  
18 (2) analyze employee exit surveys and interviews;  
19 (3) evaluate the effectiveness of employee retention  
20 efforts, including merit pay;

21 (4) create and manage a system for handling employee  
22 complaints submitted by the employee outside of an employee's  
23 direct chain of command, including anonymous complaints;

24 (5) monitor and provide reports to department  
25 management personnel on:

26 (A) employee complaint data and trends in  
27 employee complaints;

1                   (B) compliance with annual department  
2 performance evaluation requirements; and

3                   (C) the department's use of positive performance  
4 levels for employees;

5                   (6) track employee tenure and internal employee  
6 transfers within both the child protective services division and  
7 the department;

8                   (7) use data analytics to predict workforce shortages  
9 and identify areas of the department with high rates of employee  
10 turnover, and develop a process to inform the deputy commissioner  
11 and other appropriate staff regarding the office's findings;

12                   (8) create and monitor reports on key metrics of  
13 agency performance;

14                   (9) analyze available data, including data on employee  
15 training, for historical and predictive department trends; and

16                   (10) conduct any other data analysis the department  
17 determines to be appropriate for improving performance, meeting the  
18 department's current business needs, or fulfilling the powers and  
19 duties of the department.

20                   Sec. 40.042. INVESTIGATIONS OF CHILD ABUSE, NEGLECT, AND  
21 EXPLOITATION. (a) In this section, "child-care facility" includes  
22 a facility, licensed or unlicensed child-care facility, family  
23 home, residential child-care facility, employer-based day-care  
24 facility, or shelter day-care facility, as those terms are defined  
25 in Chapter 42.

26                   (b) For all investigations of child abuse, neglect, or  
27 exploitation conducted by the child protective services division of

1 the department, the department shall adopt the definitions of  
2 abuse, neglect, and exploitation provided in Section 261.001,  
3 Family Code.

4 (c) The department shall establish standardized policies to  
5 be used during investigations.

6 (d) The commissioner shall establish units within the child  
7 protective services division of the department to specialize in  
8 investigating allegations of child abuse, neglect, or exploitation  
9 occurring at a child-care facility.

10 (e) The department may require that investigators who  
11 specialize in allegations of child abuse, neglect, and exploitation  
12 occurring at child-care facilities receive ongoing training on the  
13 minimum licensing standards for any facilities that are applicable  
14 to the investigator's specialization.

15 (f) After an investigation of abuse, neglect, or  
16 exploitation occurring at a child-care facility, the department  
17 shall provide the state agency responsible for regulating the  
18 facility with access to any information relating to the  
19 department's investigation. Providing access to confidential  
20 information under this subsection does not constitute a waiver of  
21 confidentiality.

22 (g) The executive commissioner or the commissioner of the  
23 department, as appropriate, may adopt rules to implement this  
24 section.

25 (b) As soon as possible after the effective date of this  
26 Act, the commissioner of the Department of Family and Protective  
27 Services shall establish the office of data analytics required by

1 Section 40.041, Human Resources Code, as added by this section. The  
2 commissioner and the executive commissioner of the Health and Human  
3 Services Commission shall transfer appropriate staff as necessary  
4 to conduct the duties of the office.

5 SECTION 9. Section 40.051, Human Resources Code, is amended  
6 to read as follows:

7 Sec. 40.051. STRATEGIC PLAN FOR DEPARTMENT. The department  
8 shall develop a departmental strategic plan based on the goals and  
9 priorities stated in the commission's coordinated strategic plan  
10 for health and human services. The department shall also develop  
11 its plan based on:

- 12 (1) furthering the policy of family preservation;  
13 (2) the goal of ending the abuse and neglect of  
14 children in the conservatorship of the department; and  
15 (3) the goal of increasing the capacity and  
16 availability of foster, relative, and kinship placements in this  
17 state.

18 SECTION 10. (a) Section 40.058(f), Human Resources Code,  
19 is amended to read as follows:

20 (f) A contract for residential child-care services provided  
21 by a general residential operation or by a child-placing agency  
22 must include provisions that:

23 (1) enable the department and commission to monitor  
24 the effectiveness of the services;

25 (2) specify performance outcomes, financial penalties  
26 for failing to meet any specified performance outcomes, and  
27 financial incentives for exceeding any specified performance

1 outcomes;

2 (3) authorize the department or commission to  
3 terminate the contract or impose monetary sanctions for a violation  
4 of a provision of the contract that specifies performance criteria  
5 or for underperformance in meeting any specified performance  
6 outcomes;

7 (4) authorize the department or commission, an agent  
8 of the department or commission, and the state auditor to inspect  
9 all books, records, and files maintained by a contractor relating  
10 to the contract; and

11 (5) are necessary, as determined by the department or  
12 commission, to ensure accountability for the delivery of services  
13 and for the expenditure of public funds.

14 (b) The Health and Human Services Commission shall, in a  
15 contract for residential child-care services between the  
16 commission and a general residential operation or child-placing  
17 agency that is entered into on or after the effective date of this  
18 section, including a renewal contract, include the provisions  
19 required by Section 40.058(f), Human Resources Code, as amended by  
20 this section.

21 (c) The Health and Human Services Commission shall seek to  
22 amend contracts for residential child-care services entered into  
23 with general residential operations or child-placing agencies  
24 before the effective date of this section to include the provisions  
25 required by Section 40.058(f), Human Resources Code, as amended by  
26 this section.

27 (d) The Department of Family and Protective Services and the

1 Health and Human Services Commission may not impose a financial  
2 penalty against a general residential operation or child-placing  
3 agency under a contract provision described by Section 40.058(f)(2)  
4 or (3), Human Resources Code, as amended by this section, until  
5 September 1, 2018.

6 SECTION 11. (a) Subchapter C, Chapter 40, Human Resources  
7 Code, is amended by adding Section 40.0581 to read as follows:

8 Sec. 40.0581. PERFORMANCE MEASURES FOR CERTAIN SERVICE  
9 PROVIDER CONTRACTS. (a) The commission, in collaboration with the  
10 department, shall contract with a vendor or enter into an agreement  
11 with an institution of higher education to develop, in coordination  
12 with the department, performance quality metrics for family-based  
13 safety services and post-adoption support services providers. The  
14 quality metrics must be included in each contract with those  
15 providers.

16 (b) Each provider whose contract with the commission to  
17 provide department services includes the quality metrics developed  
18 under Subsection (a) must prepare and submit to the department a  
19 report each calendar quarter regarding the provider's performance  
20 based on the quality metrics.

21 (c) The commissioner shall compile a summary of all reports  
22 prepared and submitted to the department by family-based safety  
23 services providers as required by Subsection (b) and distribute the  
24 summary to appropriate family-based safety services caseworkers  
25 and child protective services region management once each calendar  
26 quarter.

27 (d) The commissioner shall compile a summary of all reports

1 prepared and submitted to the department by post-adoption support  
2 services providers as required by Subsection (b) and distribute the  
3 summary to appropriate conservatorship and adoption caseworkers  
4 and child protective services region management.

5 (e) The department shall make the summaries prepared under  
6 Subsections (c) and (d) available to families that are receiving  
7 family-based safety services and to adoptive families.

8 (f) This section does not apply to a provider that has  
9 entered into a contract with the commission to provide family-based  
10 safety services under Section 264.165, Family Code.

11 (b) The quality metrics required by Section 40.0581, Human  
12 Resources Code, as added by this section, must be developed not  
13 later than September 1, 2018, and included in any contract,  
14 including a renewal contract, entered into by the Health and Human  
15 Services Commission with a family-based safety services provider or  
16 a post-adoption support services provider on or after January 1,  
17 2019, except as provided by Section 40.0581(f), Human Resources  
18 Code, as added by this section.

19 SECTION 12. Section 42.002(23), Human Resources Code, is  
20 amended to read as follows:

21 (23) "Other maltreatment" means:

22 (A) abuse, as defined by Section 261.001 [~~or~~  
23 ~~261.401~~], Family Code; or

24 (B) neglect, as defined by Section 261.001 [~~or~~  
25 ~~261.401~~], Family Code.

26 SECTION 13. Section 42.044(c-1), Human Resources Code, is  
27 amended to read as follows:

1 (c-1) The department:

2 (1) shall investigate a listed family home if the  
3 department receives a complaint that:

4 (A) a child in the home has been abused or  
5 neglected, as defined by Section [261.001](#) [~~261.401~~], Family Code; or

6 (B) otherwise alleges an immediate risk of danger  
7 to the health or safety of a child being cared for in the home; and

8 (2) may investigate a listed family home to ensure  
9 that the home is providing care for compensation to not more than  
10 three children, excluding children who are related to the  
11 caretaker.

12 SECTION 14. Section [261.401](#)(a), Family Code, is repealed.

13 SECTION 15. (a) The changes in law made by this Act apply  
14 only to a report of suspected abuse, neglect, or exploitation of a  
15 child that is made on or after the effective date of this Act. A  
16 report of suspected abuse, neglect, or exploitation that is made  
17 before that date is governed by the law in effect on the date the  
18 report was made, and that law is continued in effect for that  
19 purpose.

20 (b) Notwithstanding any provision of Subchapter A-1,  
21 Chapter [531](#), Government Code, or any other law, the responsibility  
22 for conducting investigations of reports of abuse, neglect, or  
23 exploitation occurring at a child-care facility, as that term is  
24 defined in Section 40.042, Human Resources Code, as added by this  
25 Act, may not be transferred to the Health and Human Services  
26 Commission and remains the responsibility of the Department of  
27 Family and Protective Services.

1           (c) As soon as possible after the effective date of this  
2 Act, the commissioner of the Department of Family and Protective  
3 Services shall transfer the responsibility for conducting  
4 investigations of reports of abuse, neglect, or exploitation  
5 occurring at a child-care facility, as that term is defined in  
6 Section 40.042, Human Resources Code, as added by this Act, to the  
7 child protective services division of the department. The  
8 commissioner shall transfer appropriate investigators and staff as  
9 necessary to implement this subsection.

10           (d) The Department of Family and Protective Services shall  
11 implement the standardized definitions and policies required under  
12 Sections 40.042(b) and (c), Human Resources Code, as added by this  
13 Act, not later than December 1, 2017.

14           SECTION 16. This Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 249 was passed by the House on April 28, 2017, by the following vote: Yeas 136, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 249 on May 26, 2017, by the following vote: Yeas 140, Nays 0, 3 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 249 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor